

## **REMARKS**

U.S. Patent No. 5,166,259 or U.S. Publication No. 2002/0028858

Claims 1-8 are rejected under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Schmeing et al (U.S. Patent No. 5,166,259) or Diehl et al (U.S. Publication No. 2002/0028858). The Office Action relies on paragraph 8 of Diehl and column 3 of Schmeing. The Office Action concludes that the glass transition temperature limitation is presumed to be inherently met given that the art shows the same monomeric constituents polymerized in the same manner, and therefore the Office Action concludes that it would be reasonable to presume that the art possesses properties that either anticipate and/or render obvious those claimed.

Reconsideration is respectfully requested. To being with, the amendments made to claim 1 define over Schmeing. It is noted that Schmeing does not teach, at column 3, an acid content for the latex. Instead, the acid content is taught at column 5, lines 14-25, wherein Schmeing teaches an acid content of 0.5% to about 5%.

With respect to the rejections over both Diehl and Schmeing, Applicants maintain that neither teaches nor renders obvious the claimed invention. Those skilled in the art appreciate that the monomer employed and the balance of the distinct monomer used to prepare a latex can dramatically alter the ultimate properties of the latex. Accordingly, Applicants maintain that the Office Action goes too far in presuming that the polymers taught by Diehl and Schmeing would inherently meet the claimed parameters. For example, both hard monomers such as styrene as well as most acidic monomers such as acrylic acid increase the glass transition temperature of the films that can ultimately be prepared from a latex. Thus, the claimed parameters such as glass transition temperature do not inherently flow from the broad teachings of either Diehl or Schmeing. Instead, Applicants have discovered that an appropriate balance of acid monomer and hard monomer such as styrene was required to maintain the desired glass transition temperature. This glass transition temperature has lead to the unexpected benefits associated with the use of the particular claimed latex.

### **CONCLUSION**

No fees are believed due for the filing of this document, nevertheless, In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0697.

Respectfully submitted,

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